THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1637 of 2006

Between:

I.Suryanarayana Murthy, S/o.Hanumantha Rao

And others

..... PETITIONERS

AND

The District Collector & District Election Authority,

East Godavari District, Kakinada

And others

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1637 of 2006

ORDER:

The three petitioners claim to be the members and shareholders of The Ramachandrapuram Cooperative Urban Bank Limited (hereafter called, the Bank) in East Godavari District. The elections for Board of Directors for electing twelve Directors including the Chairman were held in October 2000 and the period of five years expired on 21.5.2005. When the action was initiated by the first respondent for conducting fresh elections for electing Board of Directors for another period of five years, the present writ petition is filed seeking a direction to the second respondent to postpone the elections for a period of one year. The cause of action for the writ petition is, issue of an order dated 07.1.2006 by the first respondent appointing the Auditor, Ramachandrapuram as the Election Officer to conduct elections. It is *inter alia* contended that there is deterioration in the financial health of the Bank and if the elections are conducted in the month of February 2006, there would be financial

burden to the Bank.

This Court heard the matter initially on 30.1.2006 and adjourned the matter to enable the learned Government Pleader for Cooperation to get instructions in the matter. Today, the learned Government Pleader submits that the District Collector has issued the notification today fixing the schedule for conducting elections. Now that the election notification is issued, the relief prayed in this writ petition cannot be considered. Even otherwise, as per the provisions of the A.P. Cooperatives Societies Act, 1964 and the A.P. Cooperative Societies Rules, 1964, an elected Board of Directors has a term of five years and after its expiry, there is a duty cast on the Managing Committee or Board of Directors to conduct elections as early as possible. It is stated that a Person-in-charge is managing the affairs of the Committee of the Bank and it would not be in the interest of the members of the Bank to continue the Person-in-charge committee for any longer. Conduct of the elections within the stipulated time would ensure proper functioning of Cooperative societies.

The writ petition is therefore dismissed. No costs.

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(V.V.S. RAO,J)

February 03, 2006.

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